IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 10307 of 2007(B)

PETITIONER:

P.RAMACHANDRAN,S/O.SANKUNNY NAMBEESAN, VAZHIPADU CLERK,KARIMPUZHA SREE RAMA SWAMY DEVASWOM,KARIMPUZHA,PALAKKAD DISTRICT.RESIDING AT PADINJARE PUSHPADOM P.O,KARIMPUZHA,PALAKKAD DIST.

BY ADV. SRI.P.VIJAYAKUMAR
SRI.S.VAIDYANATHAN

RESPONDENTS:

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1. THE COMMISSIONER,HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,KOZHIKODE.

2. THE ASSISTANT COMMISSIONER,HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT, PALAKKAD.

3. THE FIT PERSON,KARIMPUZHA SREE RAMA SWAMY DEVASWOM,KARIMPUZHA,PALAKKAD DISTRICT.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN FOR R1 & 2.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.10307 OF 2007-B.

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Dated this the 26th day of March, 2007.

J U D G M E N T

The belated challenge is to Ext.P6 order dated 2-12-2005 passed by the 1st respondent. Ext.P6 was passed pursuant to the directions issued by a Division Bench of this Court in Ext.P5 judgment dated 28-9-2004.

2. The petitioner had been working as Vazhipadu Clerk in a 'C' grade temple in Ottapalam Taluk. He had requested the respondents to regularise his appointment as Vazhipadu Clerk. The 1st respondent considered the request with reference to relevant records as also the reports received from the subordinate authorities. It was found that the petitioner is not qualified for the post of clerk as he has not passed SSLC and that he cannot be appointed on regular basis as Vazhipadu

Clerk. However, having regard to the fact that he had been working in the temple for quite some time, the 1st respondent on humanitarian considerations, felt that the petitioner can be allowed to hold some other post.

3. The temple, which is a "C" grade one, was having one post of Clerk and one post of Karyasthan. Subsequently it was felt that there is no necessity for the post of Karyasthan and the same is liable to be abolished. Hence, on humanitarian grounds, orders were passed vide Ext.P6 to give the petitioner posting on regular basis as 'Attender' for which the petitioner is qualified. The Commissioner has stated that if the petitioner is willing to do the duties of Vazhipadu Clerk, he will be free to do so. I find no merit in the contention that Ext.P6 calls for interference. This writ petition is liable to be dismissed in limine.

4. Ext.P6 was passed early as on 6-12-2005. The petitioner has chosen to question Ext.P6 by filing this writ petition in March, 2007.

5. There is neither bonafides nor merit in the contentions of the petitioner. The prayer to quash Ext.P6 is only to be rejected. I do so.

The writ petition is, therefore, dismissed.

K.K.DENESAN, JUDGE.

kvs/-